REMARKS

Claims 1-55 are pending. Claims 6-9 and 15-16 are withdrawn.

Claims 23, 32, 34, 36, 46, 48 and 50 have been allowed.

No new matter has been added.

Double Patenting Rejections

The Examiner has rejected claims 1-5, 10-14, 17-22, 24-30, 37-44 and 51-55 for nonstatutory obviousness-type double patenting over claims 1, 3-4, 6, 8, 11, 13, 15 and 17 of US 6,566,585 (the '585 patent). The Examiner maintains his contention that the claims are obvious over the '585 patent.

Applicants again point out that the scope of the claims in the instant application is different from those in the '585 patent. However, solely to expedite prosecution Applicants herewith submit a terminal disclaimer, thereby overcoming the nonstatutory obviousness-type double patenting rejections.

Conclusion

Accordingly, in view of the above remarks and the accompanying terminal disclaimer, reconsideration of the rejections and allowance of the claims are respectfully requested. In the event that the Amendment does not place the present application into condition for allowance, entry thereof is respectfully requested as placing the present application into a better condition for appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Susan W. Gorman, Ph.D. (Reg. No. 47,604) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.
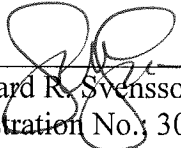
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: April 28, 2009

Respectfully submitted,

47,604

By_____
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